

Amendment No. 1 to HB0871

Halford
Signature of Sponsor

AMEND Senate Bill No. 836

House Bill No. 871*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 59-8-208, is amended by adding the following new subsection:

(f)

(1) Notwithstanding this section and except as provided in subdivision (f)(2), a former surface mining operation, as "operation" is defined by § 59-8-202, that is not currently permitted or otherwise regulated under this chapter, a former borrow excavation, as defined by § 54-1-128(a), or a former quarrying operation, as defined in § 13-7-101(a)(1), that agrees to receive fill or borrow material from state highway construction projects as part of its material for backfilling or grading is exempt from all local restrictions, rules, regulations, or laws that explicitly or implicitly limit the operator's ability to fill the pit and reclaim and restore the site, including, but not limited to, prohibitive site-specific zoning conditions, limits on truck traffic, weight limits or distance limitations, or other operational limitations, if the fill work:

(A) Complies with the requirements of the Tennessee Water Quality Control Act of 1977, compiled in title 69, chapter 3, part 1; and

(B) In all other ways satisfies state law applicable to the fill activity.

(2) Base zoning regulations in effect upon the effective date of this act continue to be applicable to backfilling and grading projects identified in

subdivision (f)(1) as long as such regulations are base zoning regulations applicable to the site and are not site-specific zoning regulations associated with a specific plan zone. Site-specific zoning regulations associated with a specific plan zone must not prohibit backfilling and grading projects identified in subdivision (f)(1).

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.